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ABSTRACT

This paper is a chronologically-organized narrative history of law-related education (LRE) in the United States. The paper begins by delineating the differences between LRE and citizenship education and describing the motivations for the creation of LRE programs in the early 1960s. Turning to the analysis of LRE, the paper argues that there have been three evolutionary time periods in the development of LRE. The three periods are 1962-68, 1968-78, and 1978 to the present. The three periods are distinguished by material content, instructional approaches, and patterns in funding. During the period 1962-68 the focus of LRE was the Bill of Rights. Current case studies were implemented as the primary instructional technique, an innovation from traditional textbook based education. During the second period, the emphasis in LRE shifted somewhat away from the Bill of Rights toward students' understanding the responsibilities of a citizen and knowledge of law in everyday life. Major content areas included conceptual law, street law, and community action. Funding for LRE during the second period came mostly from the federal government and legal organizations. Since 1978, the third period delineated, LRE has emphasized delinquency prevention, citizenship, and local community involvement. Teaching methods for LRE have shifted from a disciplines and electives approach to an infusion model. Contains 66 references. (LH)

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HISTORY OF LAW-RELATED EDUCATION

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HISTORY OF LAW-RELATED EDUCATION

A democratic society requires citizens that are knowledgeable and have attitudes and beliefs that support that democracy (Butts, 1989; Dash, 1990; Fernlund, 1992; Leming, 1986). The "Office of Citizen", an office every American holds, requires an educated public that strives to arbitrate within our society, not destroy our society (Magnon, 1981).

This societal need for education prompted the schools to acquire the responsibility of teaching citizenship (Butts, 1989; Naylor, 1990). Since the inception of public schools 150 years ago, democracy, and the citizen's role within that democracy, have been a common thread running through the social studies curriculum (Butts, 1989; Leming, 1986). Schools were viewed as having a responsibility that was not limited to teaching reading, writing, and arithmetic. Parker (1989, p. 353) stated,

Schools must remember that they are not primarily for helping children acquire jobs, get into college, or develop a better self-concept. As worthy as these goals may be, they are less important than the school's distinctly civic mission: to educate students to be capable of - and passionately committed to - meeting the challenges of the democratic way of life.

Citizenship education traditionally emphasized the structure, functions, and history of the government (Tavel, 1977). Instruction centered around the United States Constitution, specifically the Bill of Rights. The ultimate goal

was to foster patriotism and ethical responsibility (Leming, 1986). Citizenship was usually taught within the area of the social studies, primarily within the parameters of a government or a history course (Butts, 1989).

A desire for alternatives to traditional citizenship education arose in the 1950's and early 1960's. There were a number of significant social and political events that occurred which directly set Law-Related Education (LRE) into motion. The first occurrence was the backlash from McCarthyism and the Cold War (Butts, 1989; Starr, 1989). An atmosphere of distrust and fear permeated the country, resulting in a powerful desire to promote compliance with the government as well as to strengthen democratic attitudes (Butts, 1989).

The Purdue University Public Opinion Survey in the 1950's strengthened the call for a divergent approach to citizenship education. The purpose of this survey was to determine attitudes of high school seniors on democracy. This poll showed that students were surprisingly ignorant of the Bill of Rights. In fact, 42% thought "third degree" interrogation practices were appropriate, while 25% felt the government should prohibit freedom of speech (Shaver & Remmers, 1963; Shaver, 1991). This was of major concern to the "establishment", because without knowledge of our laws, young people would not be able to function effectively within the domains of a democracy (Shaver, 1991).

The Russian victory of Sputnik was a major force in changing the direction of all of education, including citizenship

education. Sputnik alluded to our weakness in the areas of math and science. Education was viewed as having let the system down in these fields, but it was conjointly seen as the panacea for the future. The international technological threat brought a rash of competition and innovations to curriculum and instruction. The two fields that were most dramatically affected were math and science. These programs enjoyed ideological support as well as lucrative funding. The National Defense Act of 1958 ensured education the financial backing for materials and facilities, with the hope that with updated equipment, students would be motivated to enroll in classes that would put the U.S. back on top in the "race for space" (Butts, 1989; Tavel, 1977).

"New Math" was based on teaching concepts of theory and function and was to rejuvenate the world of math. This approach was expected to totally replace traditional math. Fundamental changes in science, particularly physics and chemistry, were considered mandatory to keep pace on a global scale. The "New Social Studies" also felt the effects of Sputnik, shifting its emphasis to analytical skills and implementing a social scientist's approach to the subject matter (Butts, 1989). This emphasis on analytical skills detracted from traditional citizenship classes, indirectly supporting the movement towards LRE. LRE was beginning to gain recognition during this time period, but because its true burgeoning would not come until the 1970's, it never enjoyed the Federal financial backing received

by "New Math", "New Science", and the "New Social Studies" (Tavel, 1977).

Brown v. Board of Education, the Warren Court's controversial ruling concerning segregation in 1954, was another motivating factor for change (Starr, 1989). This United States Supreme Court decision was the catalyst for re-evaluation of citizenship at all levels, by all citizens (Karlan, 1992). An additional outcome of the Brown v. Board of Education decision, in conjunction with the National Defense Education Act of 1958, was the signature step of involvement by the federal government in education. This eventually proved essential to LRE's existence, due to the fact that the majority of LRE's financial support would come from the federal government.

The federal government's strategy for involving itself in education was to utilize knowledge gained from various local programs and then disseminate this information nationally. It was believed that local school districts were the best place for curriculum and material development. Ideas that were suitable for replication from these local districts would then be circulated on a national basis (Butts, 1989).

Studies in the 1960's by Langton and Jennings, Hess and Torney, Massialas, Smith and Patrich, and Shaver added fuel to the fire for reform. These studies revealed that social studies education was not well received by students. Students felt it was not relevant to their lives. In addition, students felt the textbook method of teaching that was entrenched in social studies

instruction, was alienating and outdated (American Bar Association, 1975; Henning, 1979; Tavel, 1977; Shaver, 1991).

Prior to 1960 the words Law-Related Education were met with opposition, people were resistant to change, and the individual felt distant from the world of law. An attitude change occurred due to a general consensus that law was an integral part of the social studies (Starr, 1977). Hocking of Harvard stated, "to teach the social studies without law is like teaching vertebrate anatomy without the backbone" (Starr, 1977, p.10).

Support of the LRE movement was motivated by a variety of belief systems. There was the belief that the Constitution and Bill of Rights needed to be revitalized with its significance brought to life. There was the belief that LRE would assist students in understanding the law, while helping with specific legal questions the students would likely encounter in the future. There was a general consensus among educators that LRE would help students understand the foundation of our country's laws. Analytical skills would develop as students confronted value conflicts. Moral and ethical dilemmas would be addressed while a general appreciation of the laws in our society would be established. By dealing with relevant subject matter, students would realize there are not simple answers to complex problems (Morrison, 1979; Zimmer, 1989).

The social and political events of the 1950's and early 1960's motivated change. Not only was there a desire for citizenship education to safeguard our democracy, but an updated

version of citizenship education was required to meet the needs of the changing times. This desire for improvement is an innate characteristic of a democracy (Tocqueville, 1900/1969), and it has historically been education's role to facilitate this improvement (Butts, 1989). Citizenship education was to change, and LRE as we are familiar with it today, was on its way to the schools.

There have been three evolutionary time periods in the development of LRE. The three time periods are 1962-1968, 1968-1978, and 1978 to the present. The three periods are distinguished by material content, instructional approaches, and patterns in funding.

The First Time Period (1962-1968)

The first period was between 1962 and 1968. Three events launched LRE in 1962. The following three events: the Williamstown Report, Justice William Brennan's historic address, and the Airlie House Conference, were responsible for establishing the focus of LRE for the next seven years. The first of these, the Williamstown Report, was the joining of forces of the National Council for the Social Studies (NCSS) and the Civil Liberties Education Foundation (CLEF) to conduct a workshop in Williamstown, Mass. This endeavor was initiated and facilitated by Minna Post Peyser, the director for CLEF and Isidore Starr, Vice-President of the NCSS. The purpose of the gathering was to develop a program of study to teach the Bill of Rights. The workshop was aimed at secondary social studies

teachers and social scientists. The formal recommendations that resulted from the Williamstown workshop were set forth in a report, entitled, "Education: That Security and Liberty May Prosper Together". The consensus that emerged from this conference was that liberty, justice, and equality should be emphasized in civic education (Starr, 1989).

The impact of this report can not be denied. The Williamstown report was widely received and directly responsible for an address by Justice Brennan of the United States Supreme Court. In 1962 Justice Brennan addressed the 42nd Annual Meeting of the National Council for the Social Studies on "Teaching the Bill of Rights". Referring to social problems he said, "These problems cannot be adequately considered, and surely not solved, without a deep awareness of the interdependence of our legal and educational systems." (p. 238) He called for educators to make the Bill of Rights a living document (Brennan, 1963). Justice Brennan's endorsement was meaningful, leading to the development of LRE teacher education institutes throughout the nation (Starr, 1989).

The Airlie House Conference was also held in the pivotal year of 1962. The conference was directed to educators, legal professionals, and civic leaders. It was sponsored by three professional associations, the National Council for the Social Studies (NCSS), The American Political Science Association, and The Association of American Law Schools. The Los Angeles Civil Liberties Foundation was also involved. This conference

concluded that teaching the Bill of Rights should be a national priority in our schools. It also resulted in CLEF changing its name to the National Assembly on the Teaching of the Bill of Rights. This name change signified the educational importance of LRE and the Bill of Rights. Peyser became the first executive director of the organization. Under her direction workshops and courses dealing with the Bill of Rights were adopted in a number of universities (Starr, 1977).

Up to this time the LRE movement had been largely dependent on the effort and aspirations of individuals for its early existence. One major contributor was Isidore Starr. Starr was a strong and lone proponent of LRE throughout the 1940's and 1950's. His contributions to the field earned him the title, "Father of LRE" (Anderson, 1987). Although he earned a Juris Doctor and was admitted to the bar, his true avocation was as an educator. Starrs' case studies, written between 1951-1963, were designed for the classroom. The writings were titled "Recent Supreme Court Decisions" published in Social Education. They employed controversial Supreme Court decisions, making them particularly noteworthy curriculum material. The nature of Starr's writing laid the foundation for LRE to confront controversial material in the classroom (Starr, 1977).

The next milestone for LRE came in July 1963, when the Lincoln-Filene Center Workshop was created. The National Assembly on Teaching the Principles of the Bill of Rights influenced this workshop. The workshop centered around the

Declaration of Independence and the Bill of Rights in the junior high school. Teacher education programs would be an integral part of the LRE movement and the Lincoln-Filene Center Workshops would be the model for future teacher workshops. Starr directed this three week workshop. Every morning was devoted to historical, legal, and political science interpretations of the two documents. The afternoons centered around implementation of these interpretations into classroom teaching units (Starr, 1989).

Prior to this time the East coast was the geographical center behind LRE, now the movement was to turn West. In 1963 the Constitutional Rights Foundation (CRF) was founded in California by Vivian Monroe, she became the foundation's first executive director. The target area for CRF was California, with its mission to improve LRE. The foundation's first major accomplishment was the establishment of a Bill of Rights Project by the California State Board of Education. The Board of Education's intention was to jointly, instruct students in citizenship via the Bill of Rights and address the contemporary issues that arise in connection with the Bill of Rights. The project produced "The Bill of Rights - A Source Book for Teachers". This text was suitable for both secondary classrooms and university instruction (Starr, 1977).

At this same time the University of California in Los Angeles started the Civic Education Committee, and with its inception Charles Quigley became involved in LRE. He not only

became a national leader in LRE, but was instrumental in writing material for the classroom (Starr, 1977). The material he produced implemented the Socratic method of instruction. Activities such as mock trials and congressional hearings were a large part of the instruction. The activities and instructional techniques resembled the teaching methods used in most law schools (ABA, 1975).

Peyser played an important individual role in furthering LRE in this first time period. She was a voice for the study of individual rights in the schools, while also being an important link to the legal community. In 1965, Peyser was instrumental in putting the National Assembly on Teaching the Principles of the Bill of Rights under the auspices of a university. Co-sponsored by Columbia University and Teachers College the organization united with Alan Westin to form the Center for Research and Education in American Liberties. During the five years existence of the organization, they were prolific in forging new frontiers. Their accomplishments included administering teacher workshops, conducting research studies, and organizing symposiums (Starr, 1977).

From 1962-1968 the focus of LRE was the Bill of Rights. The Bill of Rights, as a historic social contract and its direct connection with human dignity continued to make it the chosen teaching tool of democracy and citizenship (Hale, 1989). The instructional techniques, however, were renovated. Current case studies were implemented, thereby accomplishing the social

studies goal of relevance. Case studies lent themselves to collecting facts, clarifying issues, analyzing information, and making knowledgeable decisions. This met a desire voiced by students and an objective sought by educators. The commitment to use case studies was an integral part of LRE reconstruction. By the end of the first time period (1962-1968) those in the field were able to offer several justifications for LRE. LRE overcame students' ignorance of both the U.S. Constitution and the law, it encouraged inquiry and higher level thinking skills, and it enabled students to analyze controversial issues in a school setting (Starr, 1989).

The two most impressive outcomes from this time period were 1.) the groundwork was laid for a cooperative working relationship between educational and legal communities and 2.) an emphasis on case studies as the technique to teach LRE was established.

Although interest had been high with respect to LRE in the 1960's, few programs were actually developed and implemented in the classroom. This was due to a variety of factors, including a lack of communication between educators, lawyers, law enforcement personnel, and community members. Further barriers were created by a significant lack of curriculum materials to meet educational needs, lack of teacher training, archaic methods of instruction, and the problem of an already overcrowded curriculum (Tavel, 1977).

Development of Law-Related Education 1968-1978

By mid 1960 LRE began taking a new junction, signifying the second period of LRE between 1968-1978. Citizen unrest and student activism stemming from the Vietnam war, led to a lack of faith in our government and the government structure. The assassinations of John F. Kennedy, Robert Kennedy, and Martin Luther King attested to the rise of crime in our streets (Butts, 1989; Magnon, 1981).

Alexis de Tocqueville (1900) suggested that democracy tries to give the most good for the most people. This philosophy seemed to have been lost on American youth at this period in history. The impetus behind the LRE movement changed in order to make law-related education authentic, to make it meaningful to students lives. If people were to be effective in their role as "Office of Citizen" they needed a foundation of relevant knowledge. Instead of centering around the Bill of Rights and the structure of our national, state, and local government LRE began to broaden its vision (Starr, 1977).

In the past, schools had shied away from controversial issues in the classroom. This left students feeling both inadequate and frustrated when confronted with complex issues (DeCecco, 1970). Now schools attempted to prepare students for authentic issues they might face as adults (Charles P. Schwartz Citizenship Project, 1969). Starr reflected the mood of the country in the late 1960's stating, "At this moment in our history the American Consensus is in considerable disarray."

'issues of our streets must become a parata of the content of our curriculum" (p.4). The foundation was set and the approach of Law-Related Education was expanded (Charles P. Schwartz, 1969).

A critical event in the development of LRE came in 1971 with the involvement of the American Bar Association (ABA). Under Leon Jaworski's leadership the ABA established the Special Committee on Youth Education for Citizenship (YEFC). The intent of the YEFC was not to create miniature lawyers, but to use the law as an instrument to teach students how to examine and evaluate facts (Case, 1991; Gross, 1974; Henning, 1979; American Bar Association, 1975; McKinney-Browning, 1989). Jaworski stated that the purpose of the ABA's involvement in LRE was, "to teach the child at a receptive age why any free society must rely upon law and its institutions and the nature of the duties that a free society imposes upon its members." (Jaworski, 1971, p.829) This helped symbolize and cement the partnership between bar associations and boards of education (Starr, 1977). Thus, involvement of the ABA stimulated state and local law bars to become involved in LRE (McKinney-Browning, 1989).

The ABA's support was crucial to LRE. LRE needed the support of a professional or educational organization to be successful in reforming the social studies. There was a tradition in the social studies of disciplines being shaped and supported by national organizations. For example, the American Historical Association and the American Political Science Association were strong supporters of their perspective areas in

the social studies. The ABA wanted the YEFC to become the national advocate of LRE. The ABA believed that because the YEFC had no ulterior motive, no hidden agenda, it would best be suited to both disseminate material and influence educational programs throughout the country. The purpose was to promote development of LRE programs, to help coordinate services, and to avoid wasteful duplication of efforts (American Bar Association, 1972; Henning, 1975). The YEFC was effective in its role despite the potential drawback that it was not naturally closely associated with either teachers or students (Tavel, 1977).

The words of Adlai Stevenson reflect the philosophy of LRE that was adopted by YEFC. Stevenson said (cited in Gross, 1974), Democracy is not self-executing. We have to make it work, and to make it work we have to understand it.

Sober thought and fearless criticism are impossible without critical thinkers and thinking critics. Such persons must be given the opportunity to come together to see new facts in the light of old principles and to evaluate old principles in light of new facts by deliberation, debate, and dialogue.

The ABA embraced Stevensons' statement and designed their policy of services around them. The American Bar Association (1972) details their position:

1. Encourage and support the development of meaningful law-related educational programs jointly undertaken by local bar associations and school systems;

2. Survey and evaluate existing law-related education programs, with emphasis on jointly sponsored state or local bars;
3. Survey and evaluate existing law-related curriculum materials;
4. Provide coordination and information services to interested bar associations, schools authorities and other groups; and
5. Encourage, support and-where appropriate-sponsor continuing training programs for teachers, utilizing lawyers and other law enforcement and governmental officials, as well as educators. (p.8)

The YEFC's goals included assisting schools in implementing LRE programs in both the elementary and secondary school curriculums. The emphasis on elementary schools was related in a speech by ABA President Jaworski. He stated that,

To discharge this duty of preparing our young people for the tasks that will be theirs, we must obtain in our schools, beginning as early as the elementary grades, a revitalized curriculum of education in the real meaning of citizenship. (Jaworski, 1975 p.3).

This emphasis on education in the elementary level was later supported by research. Research found that decision making, empathy, and ethical judgements could be taught to young students (Schuncke & Krogh, 1985). A study by Joseph (1980) found that sixth grade students could learn value and moral reasoning

skills. The concepts of liberty, justice, and equality could be taught at the elementary level. Primary age students are limited to direct experiences with the law, so it is important to move from the concrete to the abstract. Instruction at the primary level should begin with concepts such as rules can make us happy and creating classroom rules. This sets the foundation for more abstract thinking (Stuckey, 1990).

In 1968 Congress passed the Omnibus Crime Control and Safe Streets Act which resulted in the formation of the Law Enforcement Assistance Administration. Because the Omnibus Crime Control and Safe Streets Act was drafted with broad intentions, it enabled funding for educational juvenile delinquency programs. Juvenile delinquency programs would become a large part of LRE in the next ten year. By 1971 the Law was amended to specifically provide for "prevention, control and reduction of juvenile delinquency" (Juvenile Justice Amendments, 1977). The U.S. Department of Justice (DOJ) thus became the major financial backer of LRE.

LRE experienced an explosion of expansion in the 1970's. This growth is exemplified by a variety of factors. In 1971 there were six states that either had established or were in the process of establishing 150 LRE programs in the schools. By 1977 thirty-seven of the states had implemented over 500 such programs. (Tavel, 1977). In 1971 seven teacher training institutes were held, and by 1976 over fifty-six were held. In the early 1970's few materials were available in LRE, yet by 1977

the Bibliography of Law-Related Curriculum Materials: Annotated shows well over 1,000 books and pamphlets. Media: An Annotated Catalogue of Law-Related Audio-Visual Materials contains more than 400 films, filmstrips, and tapes, and Gaming: An Annotated Catalogue of Law-Related Games and Simulations hosts more than 125 games and simulations. All of these programs and materials reflect the growth in the field (Tavel, 1977).

Funding also increased at the state and federal levels. In 1969 25% of state Law Enforcement Assistance Administration (LEAA under Omnibus) had budgeted funds for educational work; in 1973 the percentage rose to nearly 75%. LEAA grants totaled five million. Private as well as public funding, supported LRE during the mid 1970's. Over thirty private foundations supported LRE, two of which allocated over half a million dollars (American Bar Association, 1975; Tavel, 1977).

In 1975 the Special Committee YEFC surveyed teacher training institutions nationwide to determine interest and involvement in LRE in post-secondary education. Results showed a great deal of interest, but little activity. To gain attention and stimulate activity in this endeavor, two meetings were organized in 1976. The first meeting was "The First National Symposium for University Programs in Law-Focused Education". Its purpose was to stimulate interest in pre-service training in LRE. As a result of this meeting an executive committee was formed to create a national plan for LRE. A large part of this plan would be pre-service education. The second meeting, entitled "Workshop

on University Based Law-Related Education Programs", also placed great emphasis on pre-service education. They conducted an evaluation of what was being offered in pre-service education and reinforced the view that university-based programs were vital to the institutionalization of LRE (Starr, 1977).

The momentum grew, bar associations and educational agencies became involved in civic education. Attention converged on effective teacher training programs (American Bar Association, 1975; Henning, 1979). A report by the ABA Special Committee on YEFC said,

Effective teacher training is the most important component of law-related education. While lawyers, judges and law enforcement officials can help by making occasional classroom visits, only teachers can be expected to bear the instructional burden and implement the goals of law-related education (cited in Tavel, 1977, p. 66).

The emphasis on teacher training resulted in the 1976 publication of Teaching Teachers About Law: A Guide to Law-Related Teacher Education Programs. This was a prepared guide of approaches to be used by teachers in the classroom. Activities ranged from a one or two day class session to an entire four week unit (Tavel, 1977). Institutes offering teacher training became more prevalent. In the summer of 1976 more than 2000 teachers attended more than 50 summer institutes held in 22 states. While many teachers were being trained, there was still concern that the vast majority of teachers lacked any formal training

(American Bar Association, 1975; Henning, 1979). This concern over the lack of teacher's receiving formal training in LRE is reflected in the following quote by the YEFC (cited in Tavel, 1977, p 72):

There are over 50 million students in America's elementary and secondary schools, and over two-and-one-half million teachers. Even allowing for the recent growth of law-related education, it is unlikely that more than one percent of these teachers has received sufficient training. At most, no more than 10 percent of our students has received any meaningful law-related education, and probably no more than one percent has been exposed to effective programs throughout their school careers. Though many textbooks in the subject area are available, they do not constitute effective law-related education without trained teachers and carefully developed curricula.

Student participation became a trademark of LRE as reflected in this statement by Monroe, "student participation is a vital factor in providing young people with a feeling of personal effectiveness toward governmental institutions" (p. 885). Inquiry, critical thinking skills, and a disciplines approach were foundations of the instructional style. Skills students could learn by studying law was a primary focus during this time period (Monroe, 1973; Morrison, 1979; Sanders & Tanck, 1970).

Teachers often felt the need for assistance with material that dealt directly with the law. Resource people from the

judicial system would be important to integrate into the program. It was necessary to form an instructional partnership between teachers, lawyers, law enforcement officials, etc. (Schell, 1974). There was a dual purpose in using legal resource people. The persons' expertise could be gained and at the same time stereotypes concerning people involved in the law could be reduced (Arbetman, Riekses, Spiegel, 1979).

LRE national projects advocated curriculum development as essential to impacting the schools. LRE had a strong reliance on textbooks in LRE curriculum development. This was ironic in light of the fact that LRE was originally designed to be an alternative to traditional textbook based civic classes. LRE proponents were very concerned with the instructional reliance on textbooks (Behlar, 1991; Davison, 1977; Remy, 1972). LRE was striving to create students who could process at the highest levels of thinking and textbooks promoted lower levels of cognitive thinking (Sanders & Tanck, 1970).

During this second phase of LRE, advocates didn't ignore the study of the Bill of Rights, but the emphasis of LRE had shifted. The emphasis was geared to students understanding the responsibilities of a citizen and knowledge of law in everyday life (DeCecco, 1970). The ABA's (1972) guidelines for the future stated a desire to produce a lasting impact on students at the elementary and secondary level. The ABA guidelines encouraged students to explore change, but explore it within the realms of the system; students were seen as agents of change rather than as

targets of change. These guidelines provided a vehicle for students to come to conclusions within the frameworks of our laws.

Three major content areas during this time period were designed by LRE to meet the varying needs and goals of society. The three areas were conceptual law, street law, and community action. Most educational approaches throughout the United States take an eclectic approach to LRE, combining a blend of the three different approaches (Davison, 1977; Tavel, 1977).

The first programming approach was a continuation of conceptual law. The curriculum centered around landmark rulings by the Supreme Court. Through case studies students explored values, beliefs, and their own ethics. Supreme Court cases such as *Tinker V. Des Moines Community Schools District* (393 U.S. 503 (1969)), *Goss V. Lopez* (419 U.S. 565 (1975)), and *Roe V. Wade* (1973) amplified real problems students faced. (Henning, 1979; Tavel, 1977). The Declaration of Independence and the Bill of Rights, with concentration on the latter, were the focus. Teaching concepts included basic legal concepts, background in the judicial process, and the rights and responsibilities of individual citizens (Case, 1991).

Materials were designed to be relevant throughout students' lives. Following the advice of Alfred North Whitehead, "inert" knowledge was replaced with "ert" knowledge. "Inert" being knowledge that doesn't connect with anything relevant, it would be represented by limiting instruction to memorizing the

Presidents of the United States. Such information in isolation has very little meaning. Analyzing the times and the people elected to the office of President gains meaning for students, and represents "ert" knowledge (Freund, 1973). The Constitutional Rights Foundation (CRF) and Law in a Free Society (LFS) were two projects that embraced the conceptual law approach to LRE (Hale, 1989).

Operating at the opposite end of the continuum of LRE programming was an approach known as street law. Societal concern with escalating violence and at risk youth prompted this area of study. Street law dealt with the here and now. Street law acknowledged the fact that we live in an ever changing world, that democracy is ever changing, and that change should be reflected in the school curriculum. Criminal law and juvenile law were central to the themes of street law instruction (Tavel, 1977). Practical law, criminal law, family law, juvenile law, consumer law, and landlord and tenant law were all subjects addressed. Curriculum subject matter took advantage of current issues and public concerns. The curriculum materials developed were conducive to alterations determined by the individual classroom, teacher, and student (Zimmer, 1989).

Street Law now includes peer mediation, youth violence, drug abuse, as well as other related topics. (Arbetman, McMahon, O'Brien, 1994) The National Institute for Citizen Education in the Law (NICEL) which grew out of the Street Law Project, was co-sponsored by the Georgetown University Law Center and the

District of Columbia Public Schools. NICEL is responsible for a variety of excellent publications, including Street Law and Teens, Crime and the Community (Zimmer, 1989).

The third prong of LRE programming focused on the community. Activities included lobbying, campaigning, and assisting in judicial and criminal justice agencies (Tavel, 1977). Instructional techniques were directed toward participatory law, mock trials, police ride-alongs, simulations, role-playing, parliamentary procedure, and lobbying techniques. (Davison, 1977; Pereira, 1989; Tavel, 1977) Youth and Administration of Justice Project of the Constitutional Rights Foundation and the Institute for Political/Legal Education were two programs embracing this philosophy (Tavel, 1977).

The 1970's saw finances tightening, thus, a more conservative approach was undertaken to further the development of LRE (Henning, 1979). The YEFC noted that securing funding was the biggest obstacle LRE programs faced. Throughout the history of LRE, federal funding had come mainly from two agencies; the U.S. Department of Education and the U.S. Department of Justice (Henning, 1975). Legal organizations were also supportive in funding. State and local school districts were conspicuously absent from the list of financial supporters (Tavel, 1977).

The Office of Education in 1978 conducted a study entitled Final Report of the Study Groups on Law-Related Education, they stated 6 conclusions and recommendations (O'Donnell, 1989):

1. Law-related education should be recognized as an

integral part of each person's basic education for becoming a knowledgeable and responsible citizen.

2. Promoting the 'legal literacy' of citizens safeguards our democratic institutions and is a national interest which justifies Federal support of Law-related education.

3. There is a need at this time for OE support to build upon the rich diversity of programs and materials in law-related education, to increase understanding of law-related education among educators, and to provide training in law-related education for teachers and administrators. OE support in these areas should be designed to make law-related education a basic part of the elementary and secondary school curriculum and to help it reach more districts and schools so that it benefits a higher percentage of the Nation's elementary and secondary school students.

4. OE should work closely with other Federal agencies such as the Justice Department's Law Enforcement Assistance Administration and the National Endowment for the Humanities, which should continue their support of law-related education projects.

5. OE should establish a discretionary program (under the Special Projects Act) to fund grants and contracts to support law-related education activities.

6. In addition, OE should provide technical assistance and information to state and local educational agencies and

other potential applicants to promote use of other OE funds to support law-related education. Training should be provided for OE employees to increase their understanding of law-related education and its relationship to their program responsibilities. (p.viii)

In 1977 a grassroots movement for LRE was initiated. A combination of national organizations, local community interest, professional development programs, and individual teachers united to further LRE in the classroom. Local projects began springing up around the country. Law-related programs were predicted to continue to grow and thrive, this optimism was based on four factors. The four factors identified were: (1) the development of programs that were relevant to individual communities, (2) the justice communities commitment to LRE, (3) funding from government agencies and private sources was promising, and (4) a growing public interest in LRE (Nelson, 1978).

In conjunction with this optimism and growth in LRE programs, education was faced with an overcrowded curriculum and a public cry to return to the basics. These situations forced LRE to confront various issues internally to insure its survival. The issues included the need to consider infusion of LRE into the curriculum and the need for LRE to further define its role in education (Morrissett, 1981). With the dawn of the age of accountability, LRE's minimal research efforts were a threatening factor to its legitimacy (Henning, 1979; Henning, 1977; Shaver, 1963).

Development of Law-Related Education 1978-Present

The third time period in the history of LRE began in 1978 and continues today. This was an exciting time in the development of LRE, a time of growth and support along with a shift in direction. New topics and skill development were no longer the focus. Instead, the emphasis was on delinquency prevention, citizenship, teaching approaches, and local school system involvement. LRE's continued focus on current issues were a constant motivational force of the movement (Morrison, 1979). Infusion, integrating LRE into ongoing subjects became the impetus of curriculum development. The importance of including resource people in student instruction and teacher training would be restated and strides would be made in creating the partnership (American Bar Association, 1994; Morrison, 1979).

During this time period six features of an effective LRE program were identified: 1. using community resource people, 2. student involvement, 3. time and quality instruction, 4. a balance of material, 5. administrator's support and involvement, and 6. peer support for teachers (Pereira, 1989).

Early in this third period, research done at a national level promoted the continued expansion of LRE. The National Assessment of Educational Progress NAEP Bulletin gave the following radio news release on Feb. 2, 1978 from Washington, D.C.:

During the first half of the 1970's U.S. teenagers:

- * Showed declines in their knowledge of the structure and function of government.
- * Lost ground in their understanding of and willingness to participate in the political process.
- * Mixed successes with declines in recognizing and valuing constitutional rights.

However, through the turbulent era that included the Vietnam war, the Watergate scandal, and campus riots, some of these same young students gained in showing respect for the poor and for people of other races, in understanding the need for law in a democratic society and in describing ways to avoid future wars.

In wake of Nixon's Watergate scandal, citizenship education was championed by the federal government (Tavel, 1977; Starr, 1977). Under the auspices of President Ford and Health Education and Welfare Secretary Mathews a national conference on education and citizenship was held in 1976. The conference was co-sponsored by the Citizen Education Office of Education and the Council of Chief State School Officers. The conference flagged LRE as a national education movement. The primary contribution of this conference was to focus needed attention on LRE (Butts, 1989; Mehlinger, 1978; Tavel, 1977).

In 1978 Congress passed an amendment to the Elementary and Secondary Education Act known as Title III, Part F. Although this LRE Act of 1978 did not include any funding, it reinforced the federal government's active involvement in LRE. The federal

government made the important recommendation that LRE be included in our schools (Butts, 1989). The act further defined LRE as, "...education to equip non-lawyers with knowledge and skills pertaining to the law, the legal process and the legal system, and the fundamental principles and values on which these are based." (McKinney-Browning, 1987, p.8).

In 1979-80 Congress not only appropriated one million dollars for LRE, but in addition established the Citizen Education Office within the U.S. Office of Education. Congress continued supporting LRE because of the combination of efforts by the Center for Civic Education (CCE), the ABA Special Committee YEFC, the Constitutional Rights Foundation (CRF), and the National Institute for Citizen Education in the Law (NICEL) (O'Brien, 1991).

CCE, CRF, and NICEL emerged as leaders in the field. They established a strong network of educators, material development, and lawyer participation. A valuable addition to LRE was the conception of the Center for Research and Development in Law-Related Education (CRADLE). It was created in 1983 at Wake Forest University School of Law (Mehlinger, 1978). CRADLE's purpose was to support and challenge teachers of LRE (Center for Research and Development in Law-Related Education, 1991).

The ABA Special Committee on Youth Education for Citizenship continued to expand, incorporating adult education and undergraduate college courses into its program. YEFC conducted conferences and programs, coordinated national

activities, and was a clearinghouse of information for LRE (American Bar Association, 1975; Chesteen, 1980; Gross, 1974).

The progression of involvement by the bar associations over the decades had been tremendous. In the 1960's a few local bar associations were involved in LRE. A survey done in 1993 by the Special Committee for Youth showed that 49 state bar associations and 133 local bar associations were currently involved in LRE programs (Koprowski-Moisant, 1994).

During this third time period, citizenship was once again stated as a priority in the schools. The National Science Foundation (1979) reported that teachers felt that citizenship education was one of their major responsibilities in the classroom (Anderson, 1980). Encouraging research showed that teenagers improved their knowledge and attitudes on citizenship and social studies issues between 1976 and 1982 (National Assessment of Educational Progress, 1983). A 1981 study by the U.S. Justice Department revealed that 87% of students surveyed felt that LRE was the most interesting subject in the social studies. LRE also motivated student interest in the rest of their academic education (Zimmer, 1989).

In the 1980's LRE was not seen as a cure for ignorance, or as a means of restoring law and order. Instead, it was seen as a way to assist students in becoming decision makers and thereby creating good citizens (Morrison, 1977; Pereira, 1989; Sanders & Tanck, 1970). The emphasis on citizenship was reinforced by the Bi-centennial celebrations from 1987-1991 (Pereira, 1989). The

Commission on the Bicentennial of the United States Constitution was formed in 1987. Along with the American Bar Association and the National Council for the Social Studies, the commission began programming commemorative activities. A myriad of projects were conducted. The National Bicentennial of the U.S. Constitution and the Bill of Rights Competition conducted state and local competitions focussing on the United States Constitution. These competitions were designed for kindergarten through twelfth grade (Hale, 1986).

The law and order movement ran parallel to the citizenship movement. Juvenile delinquency, violence, and crime were rising issues of importance throughout the country. "Once every 19 seconds a teenager in the United States is the victim of a crime. Few people realize that teens are the most highly victimized age group in our society." (Johnson, 1984, p.1). Research was conducted which inversely linked juvenile delinquency to LRE (Johnson, 1984).

A national study, by the Office of Juvenile Justice and Delinquency Prevention in 1981, showed LRE gave students a better self-concept, reduced violence, and reduced feelings of isolation between themselves and their teacher as well as between themselves and their peers (Pereira, 1989). Because this research linked LRE with reducing juvenile delinquency, prevention of delinquency became a highly supported area of LRE (Law Enforcement Assistance Administration, 1978).

During this time there was a shift from a disciplines and electives approach to an infusion model for LRE. Some educators felt that it was more productive to infuse LRE throughout the curriculum as opposed to having a course solely devoted to LRE (Pereira, 1989). LRE did not demand a separate content area in the curriculum to be effective. It was effectively integrated into the education materials that already exist. LRE was integrated into all levels of study, the elementary, the junior high, and the high school level. It was integrated into history, civics, political science, government, and economics classes (Tavel, 1977). LRE has most often been taught within the social studies, due to its history of dealing with the Constitution and the laws of the United States (Henning, 1979). To date, an infusion, a required, and an elective approach have all been methods of including LRE in the curriculum (Davison, 1977; Naylor, 1982).

Institutionalization became the buzz word. Institutionalization can be defined as "The point at which an innovative practice, having been implemented, loses its 'special program' status and becomes a permanent part of the school program and budget." (Furey, 1986, p.6). If LRE was to become institutionalized it was important to have the participation and involvement of both state and local projects. Although LRE has not become institutionalized throughout the United States, some districts have been successful in this endeavor. Programs such as Project P.A.T.C.H. (Participatory Awareness Through Community

Help) in N.Y. have been successful in achieving institutionalization (O'Donnell, 1989). LRE Magnet schools, such as the Jamaica High School Law House, allow students to concentrate study on law at the high school level (Zimmer & Maslow, 1989). The Law Magnet School Directory (1993) compiled by the ABA/YEFC National Law-Related Education Resource Center in 1993 reported 93 Law Magnet schools in the United States. Efforts to institutionalization LRE have included teacher in-service conferences and pre-service courses at universities (Tavel, 1977).

The issue of money continued to pose a substantial deterrent to institutionalizing LRE. A minimum of 100 million dollars per year for a period of five years has been reported necessary to institutionalize LRE in the elementary and secondary school systems (Magnon, 1981).

In 1983 the Task Force on Scope and Sequence under the auspices of the National Council for the Social Studies identified key goals and objectives of the social studies. Included were goals to educate and encourage democratic values and beliefs. The objectives were to reinforce concepts such as justice, equality, responsibility, freedom, diversity, privacy, liberty, and to teach concepts such as due process, equal protection, and civic participation (Butts, 1989). The task force found that academicians believed that LRE was less important in k-6 grades as compared to 7-12 grades. Grades 7-9 were determined to be the highest priority for LRE education

(Report of the National Council for the Social Studies Task Force on Scope and Sequence, 1989).

By 1987 Congress allocated over nine million dollars per year for LRE through the Department of Education, the Department of Justice, and the Bicentennial Commission. While the majority of funding was received from these sources additional funding was provided from a variety of other sources. These sources included state, regional, and National LEAA/OFFDP offices, state and national education offices, local and state bar associations, local school systems and state colleges, and a host of non-legal private sources. While this rejuvenated the number of projects LRE was able to tackle, its real endowment was to further confuse the definition of LRE. Due to the variety of supporters and their subsequent agendas, it was difficult to define LRE (O'Brien, 1991).

In 1991 America 2000 national educational goals were constructed by state governors and President Bush to qualify the U.S. for international competition. Of the six goals that were deemed necessary, two specifically mentioned citizenship preparation. Goals one and five stated the need for students to know the specific rights and liberties citizens are guaranteed by the United States Constitution and the Bill of Rights. They needed to have an understanding of the judicial system and how it operates. Students must understand the purposes of laws and the responsibilities of citizens. An understanding of equal

opportunity must be promoted and the individual's responsibility in that aspect understood (American Bar Association, 1992).

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